

DIVISION OF MINED LAND RECLAMATION		PROCEDURE NO.	2.2.06
PROCEDURES MANUAL		ISSUE DATE	March 12, 1997
SUBJECT	Applications with Violations	Section	Technical/Permitting
		Last Revised	2-8-93

OBJECTIVE AND INTENT:

To ensure accurate notification and subsequent resolution of outstanding violations and civil penalties prior to approving a new permit, significant revision, or renewal (with significant changes) application.

PROCEDURES:

Violation History Check - Each application shall be subject to an outstanding violation and civil penalty check. The Review Inspector will initiate the check upon receipt of the application. An additional review will be conducted by the Review Inspector prior to final approval of the application.

The Review Inspector shall initially research the DMLR Company Maintenance Screen (DMLR.CPBS.01) for outstanding violations or civil penalties attributed to the applicant. The violation check shall also include the AVS search (Procedure # 2.2.05).

Notifications - The Review Inspector shall notify the applicant by letter of any outstanding violations or civil penalties linked to the applicant’s operation(s) which must be satisfied before a permit, revision, or renewal application may be approved. The letter shall also identify the applicable fees and bond amounts and liability insurance certification that the applicant must submit.

The letter shall give the applicant 30 days to respond or resolve the outstanding violations or civil penalties, and to submit the required fees, bond, liability insurance certification to the DMLR.

Verification of Violation Responses - In the event the applicant submits a written response contesting the alleged violation(s) or civil penalty debt, the Review Inspector shall forward a copy to the Enforcement Secretary and Assessment Officer. These persons will respectively determine the applicant’s responsibility for the enforcement or penalty obligation and communicate such to the Review Inspector.

Should the applicant’s response satisfactorily excuse or release it from the outstanding obligation, the Enforcement Secretary or Assessment Officer shall send a memo to the Review Inspector acknowledging such. The enforcement and assessment files shall be concurrently updated to release the obligation. If the written response is unacceptable, the Review Inspector shall notify the applicant that the permit cannot be issued until the matter is satisfactorily resolved.

Files - All correspondence concerning the application, any written response by the applicant, AVS recommendation, and the violation or penalty check(s) will be retained with the appropriate Permit File or Pending File in the Central File Room.